

REMARKS

Applicants have received and carefully reviewed the Final Office Action mailed March 23, 2004. Claims 105-123 remain pending, with claims 105, 106, 108, and 113 amended. Reconsideration, reexamination, and allowance of all pending claims are respectfully requested.

The Specification has been amended to correct minor informalities. Further, the term "sinus rhythm" has been replaced with "cardiac rhythm" to accurately describe the measured rhythm. No new matter has been added.

In paragraph 1 of the Final Office Action, claim 108 was objected to. The phrase "implanted to the patient" has been replaced in the above amendments with "implanted in the patient". With this amendment, the objection is believed to be overcome.

In paragraph 3 of the Office Action, claims 105, 108 and 116 were rejected under 35 U.S.C. §102(b) as being anticipated by Causey, III, U.S. Patent No. 5,411,547. As noted further below, claim 105 has been amended to include all elements of a stated allowable claim. Therefore, the rejections of claim 105 and dependent claims 108 and 116 are believed moot, and each of claims 105, 108 and 116 are believed to be in condition for allowance.

In paragraph 5 of the Final Office Action, claim 110 was rejected under 35 U.S.C. §103(a) as being unpatentable over Causey, III, in view of Bardy, U.S. Patent No. 5,292,338. It is believed that, in light of the above amendments, claim 110 now depends from an allowable claim (claim 108, which in turn depends from allowable claim 105). Therefore, the rejection is believed to be rendered moot, and claim 110 is believed to be in condition for allowance.

In paragraph 6 of the Final Office Action, the Examiner objected to claims 106-107, 109, and 111-115 as being dependent upon a rejected base claim. The Examiner stated that each would be allowable if rewritten in independent form including all limitations of the former base claim and any intervening claims.

Claim 106 has been amended to depend on claim 113, which is believed allowable as explained further below. Therefore claim 106 and claim 107 which depends therefrom are believed to be in condition for allowance.

Claim 105 has been amended to incorporate the recitation of claim 106. Claims 109, 111, and 112 depend from claim 108 which in turn depends from claim 105. Therefore, claim 105, along with claims 108, 109, 111 and 112, are all believed to be in condition for allowance.

Claim 113 has been amended to independent form including the limitations of its former base claim, claim 105, as well as intervening claim 108. Therefore, claim 113 is believed to be in condition for allowance. In light of the amendment to claim 113, claims 114 and 115 are likewise believed to be in condition for allowance.

In paragraph 7 of the Final Office Action, the Examiner stated that claims 117-123 are allowed.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

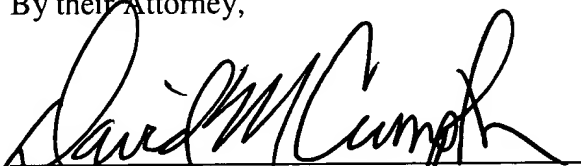
Respectfully submitted,

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By their Attorney,

Date: _____

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